

Wage and Hour Division, Labor

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(c) Requires one year or more (2,000 or more hours) of work experience to learn.

(d) Requires related instruction to supplement the work experience (which instruction may be provided in accordance with § 521.3(i)).

(e) Is not merely a part of an apprenticeable occupation.

(f) Involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products of any one company.

(g) Does not fall into any of the following categories:

(1) Selling, retailing, or similar occupations in the distributive field.

(2) Managerial occupations.

(3) Clerical occupations.

(4) Professional and semi-professional occupations (this category covers occupations for which entrance requirements customarily include education of college level).

(Sec. 11, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 501, 602, 80 Stat. 843, 844 (29 U.S.C. 211))

[16 FR 8884, Sept. 1, 1951, as amended at 43 FR 12311, Mar. 24, 1978]

§ 521.5 Procedure for employment of an apprentice at subminimum wages.

(a) Before an apprentice may be employed at subminimum wages, the employer or joint apprenticeship committee shall submit or shall have submitted an apprenticeship program to the appropriate recognized apprenticeship agency for registration.

(b) An apprenticeship program which has been registered with a recognized apprenticeship agency shall constitute a temporary special certificate authorizing the employment of an apprentice at the wages and under the conditions specified in such program until a special certificate is issued or denied. This temporary authorization is, however, conditioned on the requirement that within 90 days from the beginning date of employment of the apprentice, the employer or the joint apprenticeship committee shall satisfy all the following requirements: (1) Enter into an apprenticeship agreement with each apprentice, (2) submit the agreement to the recognized apprenticeship agency

for registration, and (3) send one true copy of the apprenticeship agreement, with evidence of registration, to the appropriate Regional Office of the Wage and Hour Division, United States Department of Labor: *Provided, however*, That the Administrator or his authorized representative has not previously notified the employer or joint apprenticeship committee of disapproval of a registered apprenticeship agreement for the same or similar trade or trades as not conforming or substantially conforming with the standards of apprenticeship set forth in § 521.3.

(c) If the agreement submitted to the Wage and Hour Division has not been registered, it should be accompanied by an explanation of the efforts made to have the agreement registered and the reasons, if any, given by the recognized apprenticeship agency for not registering it.

[16 FR 8884, Sept. 1, 1951, as amended at 17 FR 1995, Mar. 7, 1952; 23 FR 5215, July 9, 1958]

§ 521.6 Issuance of special certificates.

(a) If the apprenticeship agreement and other available information indicate that the requirements of § 521.3 and the other requirements of this part are satisfied the Administrator or his authorized representative shall issue a special certificate in accordance with § 521.1. Otherwise he shall deny the special certificates.

(b) The special certificate, if issued, shall be mailed to the employer or the joint apprenticeship committee and a copy shall be mailed to the apprentice. If a special certificate is denied, the employer or the joint apprenticeship committee, the apprentice and the recognized apprenticeship agency shall be given written notice of the denial. The employer shall pay the apprentice the minimum wage applicable under section 6 of the Act from the date of receipt of notice of such denial.

(c) A special certificate will not be issued where there are serious outstanding violations involving the employee whom an apprentice certificate is being requested, or where there are any serious outstanding violations of a certificate previously issued, or where there have been any serious violations of the Act which provide reasonable grounds

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to conclude that the terms of a certificate may not be complied with, if issued.

[20 FR 5972, Aug. 17, 1955]

§ 521.7 Terms of special certificates.

(a) Each special certificate shall specify the conditions and limitations under which it is granted, including the name of the apprentice, the skilled trade in which he is to be employed, the subminimum wage rates and the periods of time during which such wage rates may be paid.

(b) The terms of any special certificate, including the wages specified therein, may be amended for cause.

§ 521.8 Records.

(a) Every employer who employs an apprentice under this part must keep the records called for under the record-keeping regulations (part 516 of this chapter), including designation of apprentices on the payroll. In addition, every employer who employs apprentices under temporary or special certificates issued to or held by such employer shall preserve the apprenticeship program, apprenticeship agreement and special certificate under which such apprentice is employed.

(b) Every joint apprenticeship committee which holds a certificate under this part shall keep the following records for each apprentice under its control and supervision:

(1) The apprenticeship program, apprenticeship agreement and special certificate under which the apprentice is employed by an employer;

(2) The cumulative amount of work experience gained by the apprentice, in order to establish the proper wage at the time of his assignment to an employer; and

(3) A list of the employers to whom the apprentice was assigned and the period of time he worked for each employer.

(c) The records required by paragraphs (a) and (b) of this section shall be maintained and preserved for at least three years from the termination of the apprenticeship. Such records shall be kept safe and accessible at the place or places of employment or at the place or places where such records are customarily maintained. All records

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shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 521.9 Amendment of this part.

The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

[22 FR 5683, July 18, 1957]

§ 521.10 Investigation and hearings.

The Administrator or his authorized representative may conduct an investigation, which may include a hearing, prior to issuing or denying an application for a special certificate. To the extent he deems appropriate, the Administrator or his authorized representative may provide an opportunity to other interested persons to present data and views on the application prior to granting or denying an apprentice certificate.

[24 FR 204, Jan. 8, 1959]

§ 521.11 Reconsideration and review.

(a) Any person aggrieved by the action of an authorized representative of the Administrator in denying or granting a special certificate may, within 15 days after such action, (1) File a written request for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, or (2) file a written request for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision together with a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the action of an authorized representative of the Administrator in denying a request for reconsideration may, within 15 days